

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JAMES ASHFORD, et al.  
Plaintiffs,**

**v.**

**Case No. 13-C-0771**

**CITY OF MILWAUKEE, et al.,  
Defendants.**

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**DECISION AND ORDER**

On July 17, 2014, twelve plaintiffs filed a motion to intervene in this action under Federal Rule of Civil Procedure 24(b), which governs permissive intervention. They are all African American men who allege that they were subjected to illegal strip and body-cavity searches by members of the Milwaukee Police Department. Their claims share a common question of law or fact with the claims of the existing twenty-eight plaintiffs to this suit. I have previously allowed plaintiffs to intervene in this suit on the basis of this common question of law or fact, and I do not believe that these proposed intervenors should be treated any differently. Although it is arguable that the proposed intervenors' motion is not "timely," see Fed. R. Civ. P. 24(b)(1), because it was not filed until after discovery in the present case commenced, discovery is still at an early stage, and it seems likely that discovery on the proposed intervenors' claims can be integrated into the existing discovery schedule.

The existing defendants point out that the proposed intervenors raise a claim of racially motivated conspiracy under 42 U.S.C. § 1985(3), and that this claim has not been raised by any of the existing plaintiffs. The existing defendants claim that it would be

unfairly prejudicial to try the claims against them, which do not involve allegations of racial discrimination, at the same time as the claims against the officers involved in the alleged racial conspiracy. While this may be true, it is not a reason for denying intervention in this case. To protect the existing defendants who are not defendants to the conspiracy claim from unfair prejudice, I could sever the trial of that claim from the remaining claims. See Fed. R. Civ. P. 42(b).

Accordingly, **IT IS ORDERED** that the motion to intervene is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 15<sup>th</sup> day of August, 2014.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge